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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,393	02/05/2002	Richard St. Clair Bailey	MS1-1008US	4781
22801	7590	10/20/2004	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			ROSWELL, MICHAEL	
			ART UNIT	PAPER NUMBER
			2173	
DATE MAILED: 10/20/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,393

Applicant(s)

BAILEY ET AL.

Examiner

Michael Roswell

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The declaration is unsigned by named inventor Stephen Russell Falcon.

Claim Objections

Claim 21 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 19. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Torres (US Patent 5,001,697).

At col. 9, lines 7-24 and in Fig. 7, it can be seen that Torres teaches defining first and second-sized objects according to a fraction of a height and width of a display. Furthermore, Torres at col. 7, lines 44-50 allows for multiple windows to use such sizing, allowing for the display of objects having only the first-sized or second-sized object displays.

Claim 22 is rejected under 35 U.S.C. 102(b) as being anticipated by Winer (US Patent 5,796,401).

Winer teaches defining vertical and horizontal locations on a display according to a percentage of a display (which is inherently related to a fraction of a display) and visual aspects of one or more display objects, at col. 17, lines 58-66, and col. 18, lines 2-5 and 21-30.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-21, and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winer (US Patent 5,796,401) and Torres (US Patent 5,001,697).

Regarding claims 1-3 and 9-11, Winer teaches defining vertical and horizontal locations on a display according to a percentage of a display (which is inherently related to a fraction of a

display), and defining the height and width from the top edge and left edge of a display, at col. 17, lines 58-66, and col. 18, lines 2-5 and 21-30.

However, Winer fails to explicitly teach defining the size of a display object according to a tiered sizing schema.

Torres teaches a method for varying displayed object size in relation to varying window size. Furthermore, Torres teaches a character set for changing the size of a displayed object proportional to the size of a window for displaying the objects, taught as the calculated percentage change of a window and the subsequent new object size calculation and display, at col. 9, lines 7-24.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Winer and Torres before him at the time the invention was made to modify the percentage-defined display of Winer with the varying object size display of Torres to obtain a system for display wherein object locations are defined by a percentage of the display, and object sizes are defined by the change in a display size.

One would be motivated to make such a combination for the advantage of displaying the same amount of data to a user even if the display size is changed. See Torres, col. 3, lines 62-65.

Regarding claims 4 and 12, Winer teaches at col. 17, lines 58-66, and col. 18, lines 2-5 and 21-30 the ability to define the bounds of an object without regard to display units associated with the display in teaching the definition of object location by percentage.

Regarding claims 5 and 13, Winer teaches at col. 17-18, 58-30 the rendering and subsequent display of objects on a display.

Regarding claim 6, Winer teaches at col. 17-18, 58-30 allowing a user to define the location and size of displayed objects through an external user interface.

Regarding claims 14, Winer teaches defining visual aspects of a graphical user interface, and size and location information for an object on a display, at cols. 17-18, lines 58-30.

However, Winer fails to explicitly teach defining the size of a display object according to a tiered sizing schema.

Torres teaches a method for varying displayed object size in relation to varying window size. Furthermore, Torres teaches a character set for changing the size of a displayed object proportional to the size of a window for displaying the objects, taught as the calculated percentage change of a window and the subsequent new object size calculation and display, at col. 9, lines 7-24.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Winer and Torres before him at the time the invention was made to modify the display of Winer with the varying object size display of Torres to obtain a system for display wherein object locations are defined by a user, and object sizes are defined by the change in a display size.

One would be motivated to make such a combination for the advantage of displaying the same amount of data to a user even if the display size is changed. See Torres, col. 3, lines 62-65.

Regarding claim 15, Torres teaches defining sizes of the display object allowed for use with the graphical user interface, taught as the calculated percentage change of a window and the subsequent new object size calculation and display, at col. 9, lines 7-24.

Regarding claims 16-17, Winer teaches defining vertical and horizontal locations on a display according to a percentage of a display (which is inherently related to a fraction of a display), and defining the height and width from the top edge and left edge of a display, at col. 17, lines 58-66, and col. 18, lines 2-5 and 21-30.

Regarding claim 18, Winer has been shown *supra* to teach defining the location of an object for display through the use of percentages and through fractions of height taken from the top edge of a display.

Regarding claims 19 and 21, Winer at cols. 17-18, lines 58-30 describes defining the visual aspects of display objects in a graphical user interface.

Regarding claim 20, it can be seen from Fig. 9 that Winer allows the user to define visual aspects of displayed objects other than location and size, such as the display of a background grid, page breaks, and rulers.

Regarding claims 23, Winer teaches defining vertical and horizontal locations on a display according to a percentage of a display (which is inherently related to a fraction of a display), and defining the height and width from the top edge and left edge of a display to the

top edge, bottom edge, left edge, and right edge of a displayed object, at col. 17, lines 58-66, and col. 18, lines 2-5 and 21-30.

However, Winer fails to explicitly teach defining the size of a display object according to a tiered sizing schema.

Torres teaches a method for varying displayed object size in relation to varying window size. Furthermore, Torres teaches a character set for changing the size of a displayed object proportional to the size of a window for displaying the objects, taught as the calculated percentage change of a window and the subsequent new object size calculation and display, at col. 9, lines 7-24.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Winer and Torres before him at the time the invention was made to modify the percentage-defined display of Winer with the varying object size display of Torres to obtain a system for display wherein object locations are defined by a percentage of the display, and object sizes are defined by the change in a display size.

One would be motivated to make such a combination for the advantage of displaying the same amount of data to a user even if the display size is changed. See Torres, col. 3, lines 62-65.

Regarding claim 25, Torres teaches defining sizes of a display object, with visual aspects of the graphical user interface conforming to the sizing schema, and where the schema defines multiple sizes (see Fig. 7), taught as the calculated percentage change of a window and the subsequent new object size calculation and display, at col. 9, lines 7-24.

Regarding claim 26, it can be seen from Fig. 7 that Torres teaches defining multiple object sizes in a tiered schema, which inherently includes small, medium, and large size object displays.

Regarding claims 27-28, Winer teaches defining vertical and horizontal locations on a display according to a percentage of a display (which is inherently related to a fraction of a display), at col. 17, lines 58-66, and col. 18, lines 2-5 and 21-30.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (703) 305-5914, and at (571) 272-4055 on or after October 18, 2004. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116, and at (571) 272-4048 on or after October 18, 2004. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CAO (KEVIN) NGUYEN
PRIMARY EXAMINER

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Michael Roswell

10/14/2004